



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/675,382

09/30/2003

Jeyhan Karaoguz

14276US02

6840

23446 7590 05/28/2008
MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

EXAMINER

MENDOZA JR, JORGE

ART UNIT

PAPER NUMBER

2623

MAIL DATE

DELIVERY MODE

05/28/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/675,382	Applicant(s) KARAOGUZ ET AL.	
	Examiner JORGE MENDOZA JR	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03/06/2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims **1-31** are presented for Examination.
2. Claims **1-21, 23, 27, and 31** have been amended.

Drawings

3. The drawings were received on 03/06/2008. These drawings are acceptable

.

Response to Arguments

4. Applicant's arguments with respect to Claims **1-31** have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims **1-3, 6-9, 11-13, 16-19, 21-23, 26-29, & 31** are rejected under 35 U.S.C. 102(b) as being anticipated by **Sampsell (US Patent No. 6,219,839)**.

With respect to Claim **1**, the claimed “*A method for presenting available media for selection and playback on a television display, the method comprising: detecting, at a first geographic location, available media at a plurality of different storage locations*”

within said first geographic location; and constructing at least one display indicating the availability of said detected available media" is met by Sampsell that teaches the use of a television receiver (12), in conjunction with a user interface, for the selection and playback of available media- whereby available media from a plurality of peripheral devices (VCR #1 14, VCR #2 16, DVD 20, LaserDisc 18) at a 1st location are detected and integrated into an electronic program guide/ electronic resource guide (EPG/ERG) via an electronic resources guide generator (*Abstract; Figs.1 & 9; col.2, lines 19-27; col.3, lines 7-15; col.4, lines 5-16; col.5, lines 11-20; col.7, lines 11-18, col.9, lines 53-61*).

With respect to Claim **2**, the claimed "*comprising presenting an indication of said plurality of different storage locations for said detected available media in said at least one constructed display*" is met by Sampsell that teaches the use of an ERG & a presence row 102, in representing an indication of a storage location for said detected media in a DVD 20 (*Fig.9; col.7, lines 9-18*).

With respect to Claim **3**, the claimed "*wherein said presented indication is one or more of text format, graphic format and audio format*" is met by Sampsell that teaches an indication of storage locations in text format, such as the indication of 'DVD' in the source column of an ERG (*Figs.7; col.7, lines 9-18*).

With respect to Claim **6**, the claimed "*comprising querying one of a provider of media and at least one storage device at said plurality of different storage locations for said available media*" is met by Sampsell that teaches using an ERG in recognizing new A/V peripherals that have been added to the local network, integrating information identifying such peripherals, and displaying the information in such a way as to enable a

user to control/view programming provided by the peripherals (*col.2, lines 19-27; col.3, lines 7-15*).

With respect to Claim **7**, the claimed *"comprising acquiring said available media from one or both of a media content provider and a media storage device"* is met by Sampsell that teaches the implementation of an EPG depicting available media acquired from both a media content provider (ESPN) and a media storage device (DVD) (*Figs.3-9; col.5, lines 3-11, col.7, lines 9-18*).

With respect to Claim **8**, the claimed *"comprising displaying said constructed at least one display on the television screen"* is met by the use of television receiver 12 in displaying ERG/EPG (*Fig.1; col.4, lines 5-16*).

With respect to Claim **9**, the claimed *"comprising formatting said constructed at least one display in a graphical user interface"* is met by Sampsell that teaches the use of an EPG/ERG constructed in a graphical user interface format(*Figs.3-9; col.4, lines 5-16; col.5, lines 11-20*).

Claim **11** is met as previously discussed with respect to Claim **1**.

Claim **12** is met as previously discussed with respect to Claim **2**.

Claim **13** is met as previously discussed with respect to Claim **3**.

Claim **16** is met as previously discussed with respect to Claim **6**.

Claim **17** is met as previously discussed with respect to Claim **7**.

Claim **18** is met as previously discussed with respect to Claim **8**.

Claim **19** is met as previously discussed with respect to Claim **9**.

Claim **21** is met as previously discussed with respect to Claim **1**. Furthermore, Sampsell teaches the use of an electronic resources guide generator to generate an electronic resource guide (ERG) / electronic program guide (EPG) for the displaying of available system components of a number of A/V devices and the programming available on or from a component (col.3, lines 66 to col.4, lines 16)

Claim **22** is met as previously discussed with respect to Claim **2**.

Claim **23** is met as previously discussed with respect to Claim **3**.

Claim **26** is met as previously discussed with respect to Claim **6**.

Claim **27** is met as previously discussed with respect to Claim **7**.

Claim **28** is met as previously discussed with respect to Claim **8**.

Claim **29** is met as previously discussed with respect to Claim **9**.

Claim **31** is met as previously discussed with respect to Claim **1**.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims **4, 5, & 10** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Sampsell (US Patent No. 6,219,839)** in view of **Griggs (US PG PUB 2002/0053081)**.

With respect to Claim **4**, the claimed “comprising identifying at least one content category that is associated with said detected available media” is not specifically taught by the Sampsell reference. However, in the same field of endeavor, Griggs teaches a system in which content available from a plurality of content providers is detected & displayed using a program schedule- whereby appliance fields 315-320 are used to list the types of networked appliances D_1 , D_2 to D_n that are listed (*Figs. 1-3; paragraphs [0004], [0025], [0026], [0029], [0032], [0034], & [0035]*).

It would have been obvious to one skilled in the art at the time of the invention to have combined the invention as taught by Sampsell with that of the invention of Griggs for the added benefit of categorizing media from multiple content providers. A person of ordinary skill in the art would have been motivated to make such a modification to the Sampsell reference in order to present to a user a more efficient user interface.

With respect to Claim **5**, the claimed “*comprising associating said presented indication of said plurality of different storage locations for said detected available media with said at least one content category*” is met by Griggs that teach the displaying of a plurality of storage locations alongside appliance fields (*paragraphs [0033] -[0037]*).

With respect to Claim **10**, the claimed “*comprising selecting at least a portion of said detected available media at said plurality of different storage locations for said construction of said at least one display*” is met by Griggs that teaches a program schedule that can be generated through a list of user preferences, whereby a users likes and dislikes are taken into account for the creation of the program guide, for

Art Unit: 2623

example a selectable filter can prevent all Western programs from being listed (*Figs. 1-3; paragraphs [0038], [0041], [0061]*).

It would have been obvious to one skilled in the art, at the time of the invention, to have combined the invention as taught by Sampsell with that of the invention of Griggs in order to be able to filter out or regulate content provider listed in a program schedule. A person of ordinary skill in the art would have been motivated to make such a modification to the Sampsell reference in order to minimize program schedule listings and thereby present a redacted/ easier schedule to a user.

Claim **14** is met as previously discussed with respect to Claim **4**.

Claim **15** is met as previously discussed with respect to Claim **5**.

Claim **20** is met as previously discussed with respect to Claim **10**.

Claim **24** is met as previously discussed with respect to Claim **4**.

Claim **25** is met as previously discussed with respect to Claim **5**.

Claim **30** is met as previously discussed with respect to Claim **10**.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

10. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- **Putterman et al. (US PG PUB Application 2007/0220580)**: Teaches the use of a user interface for a media convergence platform, in which different types of media are presented within a single user interface.
- **McCollum et al. (US PG PUB Application 2003/0112467)**: Teaches a graphical user interface for navigating through multimedia content accessed from a plurality of distinct databases.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jorge Mendoza Jr.** whose telephone number is (571) 270-5087. The examiner can normally be reached on Monday through Thursday 9:00 am –7:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Scott Beliveau** can be reached at (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JORGE MENDOZA JR/
Examiner, Art Unit 2623

/Scott Beliveau/
Supervisory Patent Examiner, Art Unit 2623